

Chapter Four: Current and Emerging Issues

Chapter Four presents the nature and extent of current and emerging issues facing Willmar. This inventory of issues, however, is not intended to remain constant over the next 20 years. Some of these issues may become lower in priority as measures are taken by the City to address them. Additional issues will also arise that should be added to the list as they emerge.

A key element to a Comprehensive Plan is being able to address the current and emerging issues of the City. The issues facing Willmar now, and in the future, will largely dictate the development that will occur and the planning that will need to take place. Although many of the following issues were identified throughout the comprehensive planning process, several public meetings were held in an effort to specifically gather a list of issues and concerns from local officials and citizens. The issues identified in the goal areas are used as a framework for the objectives and policy guidelines found in Chapter Five. The objectives and policy guidelines, in turn, provide specific information on the issues that are important in Willmar and clearly define how decisions should be made by the City on a day-to-day basis.

Identifying Issues with a Topic Area

Several of the issues identified in this Chapter could be placed in more than one topic area. For the purposes of minimizing the repetitiveness of issues, each issue is presented once in the goal area that best characterizes the issue.

Economic Growth

- **Economic development that follows current and future infrastructure** - Commercial and industrial development should be encouraged to be located in areas that are currently (or soon will be) serviced by water, sewer, and streets in order to make the development more cost effective.
- **Location of industry** - New industrial development should first be directed towards currently developed industrial lands, with measures taken to buffer industrial uses from other types of development.
- **Preferred businesses** - When attempting to attract new business to the City, the size, type, wages, jobs, and utility demand of the prospective companies should be taken into consideration. It is important that new businesses be compatible with current and future land use plans and that they create a positive impact on the local economy. It was brought up several times during the Plan's public meetings that the City is a regional center for medical and retail services. This niche should be emphasized and strengthened.

- **Downtown Marketing & Renewal** – The Willmar Design Center has been working on bringing to fruition the Willmar Downtown Visioneer with four strategic actions. These efforts will hopefully restore and improve the Central Business District of the City.
- **Promote innovative marketing strategies** - To strengthen the local economy, the City should develop innovative marketing strategies designed to attract new businesses.
- **Tourism** - The City's location near many lakes, wooded areas, trails, parks, and hunting and fishing resources provides a wide variety of tourism opportunities. Tourism is an important part of the economy, as it produces jobs and results in additional money being spent in the community. One way to accomplish this, as suggested at the Plan's public meetings, is through more attractive entrances that help make Willmar more welcoming.

Public Utilities

- **Costs of new development and tax implications** - Prior to providing infrastructure to newly developed areas or to land that is anticipated to experience growth, the costs that will be incurred to provide water, sewer, streets, and other services to these areas should be determined. In some cases, the costs to provide services and infrastructure to new development may exceed the taxes that will be generated. Also, new development can increase the property value of neighboring land, which results in these landowners paying higher taxes. **Developers should pay 100 percent of infrastructure costs. Infill development was suggested at the Plan's public meetings to help utilize existing infrastructure investments.**
- Renewable energy options are available for public utilities. Future energy needs can be accommodated in a number of ways that are environmentally sensitive.
- With rapid changes occurring in the field of telecommunications and the provision of Broad Band internet service, new development will have to make accommodations for the latest technology.

Parks and Open Space

- **Parks and recreation** - As Willmar grows, the City will need to identify new areas for parks and recreation. Some communities are now requiring each new development to dedicate a certain percentage of the development for open space or recreational purposes (i.e., 10%). This could include something as simple as a picnic area or as detailed as a new park. Parks were one of the Community's major assets identified frequently during the Plan's public meetings. A payment in lieu of land dedication may be an acceptable alternative.

Section A: Economic Growth

1. **GOAL:** To have an economically sustainable community offering a diverse set of services, goods, and employment opportunities.
2. **OBJECTIVES:**
 - a. Promote economic development which will be beneficial to the community, including tax base enhancement, increased aesthetics, and expanded employment opportunities.
 - b. Promote the existing economic base and the expansion of existing businesses.
 - c. Work with the Economic Development Commission on a variety of business retention and expansion activities.
3. **POLICIES:**
 - a. Encourage programs that promote diversified commercial growth to meet the needs of West-Central Minnesota.
 - b. Strengthen the business districts through various development and redevelopment programs.
 - c. Encourage full development of existing industrial and commercial land within the City.
 - d. Encourage the expansion of existing, and development of new, businesses at suitable locations.
 - e. Encourage commercial property owners to maintain and upgrade their existing buildings and land through reasonable design standards and maintenance ordinances.
 - f. Vacant properties should meet property maintenance standards.
 - g. Provide reasonable and safe access to all retail and industrial uses.
 - h. Provide adequate parking for all business and community needs, when feasible.
 - i. The impact on parking should be examined prior to making land use decisions.
 - j. Industrial and commercial land uses shall be located in areas where the adverse impact on surrounding land uses is minimized.

- k. Commercial and industrial uses should be located on soil types that are most able to accommodate such development.
- l. Industrial sites should have good access to utilities and transportation routes.
- m. Air, water and noise pollution from industry should be monitored and regulated in accordance with the MPCA (and MS4 requirements).
- n. Industrial and commercial sites should be preserved for future growth and not utilized for further residential development.
- o. Development should occur only in areas where utilities can be provided with optimal efficiency and cost.
-  p. Provide for the orderly expansion of commercial, industrial, and residential areas.
- q. Encourage development through government participation in public finance programs such as JOBZ, tax increment financing, Economic Development Commission programs, etc.
- r. Promote green space and outdoor amenities by incorporating them into commercial and industrial development plans.
- s. Cultivate positive aesthetics and image of commercial, industrial, and residential areas, encouraging continual renewal and improvement.
- t. Encourage the expansion of medical services in the community, recognizing these services as a major industry bringing jobs and visitors to the City.
- u. Facilitate housing and community services as demographics change, in preparation for the baby boomers as seniors, when reviewing development plans.
- v. Promote activities of the Economic Development Commission, Chamber of Commerce, and other community organizations for both business retention and expansion.
- w. Promote Willmar as a great location to host conferences and other special events.
- x. Recognize the importance of Ridgewater College in contributing to the city's economy, diversity, identity, activity, arts, entertainment, opportunity, and social fabric.
- y. Continue to maintain, expand, and develop important public/semi-public community facilities, such as the Civic Center, Library, Aquatic Center, parks, and other key activity venues.
- z. Promote the use of the Willmar Municipal Airport as an economic development tool.

- aa. Expand and promote tourism opportunities throughout the greater Willmar area, including the use of our extensive trails, lakes, and parks.

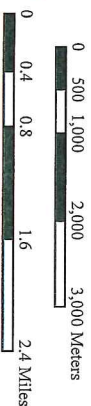
Section B: Public Utilities

1. **GOAL:** To efficiently make available a full range of public utilities throughout the community.
2. **OBJECTIVES:**
 - a. Make public utilities affordable to both residents and business owners.
 - b. Provide public utilities in a manner that reinforces the City's staged growth and redevelopment policies.
3. **POLICIES:**
 - a. Control City expansion by creating an urban growth boundary map based on public utility extension plans and forecasts.
 - b. Encourage new development in areas contiguous to existing development in the City to bring about orderly expansion of public utilities, thus supporting smart-growth land use practices while at the same time preserving parkland and green space.
 - c. Encourage dense development in areas where the soils, water table, and geological features support the efficient extension of public utilities.
 - d. Require a full complement of public utilities such as sewer, water, gas, electricity, telecommunications, broadband, storm sewer/retention ponds, etc.
 - e. In the upgrading of public utilities in redevelopment areas, refine the assessment policies to encourage the continued use and/or redevelopment of these areas.
 - f. Develop and update a public utilities plan and growth boundary map.
 - g. Affirm the City's desire to serve all residents and business with municipal power, etc., and to work with other public and private utility entities in regional service matters.
 - h. Endorse technology advancement in industry and technology growth and awareness throughout the community, especially in new development.
 - i. Promote the expansion and use of the district hot water heating system.

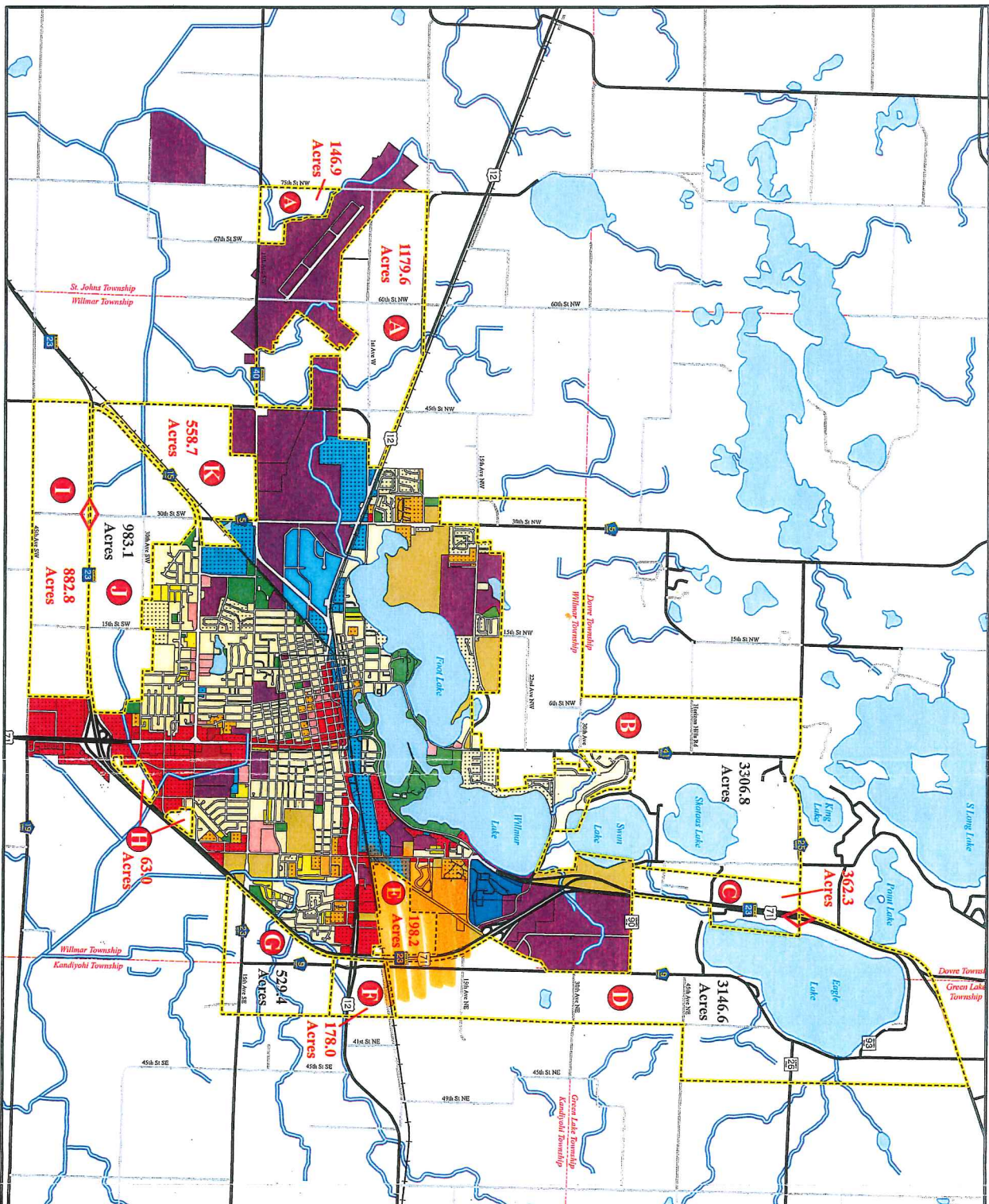
Map 6A: City of Willmar: Future Land Use

Legend

- Urban Growth Boundary
- Unpaved Road
- Paved Road
- Railroad
- River, Stream or Ditch
- R-1, One Family Residential
- R-2, One and Two Family Res
- R-3, Low Density Multi Family
- R-4, Medium Density Multi Fam
- R-5, High Density Multi Family
- LB, Limited Business
- GB, General Business
- CBD, Central Business District
- SC, Shopping Center
- I-1, Limited Industry
- I-2, General Industry
- P, Park District
- A, Agriculture
- G, Government/Institution Dist
- T, Technology District
- Lakes
- Townships
- Future Land Use
(See text in Comprehensive Plan)
- Future Interchange



Prepared by Mid-Minnesota
Development Commission
February 2009



Urban Growth Area Descriptions

Map 6A shows the location of each Urban Growth Area described below. It is the City's desire to preserve agricultural land for as long as is feasible and to deter sprawl and/or leap-frog development.

- A AREAS A** The two Urban Growth Areas surrounding the airport should be reserved for airport related business and industry. The land should remain in agricultural use pending the logical expansion of industrial use through annexation, as the City expands to the West and municipal services become available. Areas A contain approximately 1,327 acres of land all impacted by Airport Zoning. It may also be the site of a future railroad bypass.
- B AREA B** Low density residential development with scattered nodes of neighborhood commercial development, including limited retail and service businesses, as municipal services are made available (approximately 3,307 acres).
- C AREA C** Future interchange with expanded highway commercial development when municipal services become available. There will also be some mixed density residential development (approximately 362 acres)
- D AREA D** Area D, containing approximately 3,147 acres, will have low density residential development with scattered nodes of neighborhood commercial development, including limited retail and service businesses.
- E AREA E** This area will continue with agricultural uses until access and services become available. Future conversion of the existing railroad spur line to a trail as a link in the current trail system is anticipated. Development will transition from industrial in the south (where it currently exists) to residential in the north. Area E contains approximately 198 acres.
- F AREA F** Limited commercial development when municipal services become available (approximately 178 acres).
- G AREA G** Residential development when municipal services become available (approximately 529 acres).
- H AREAS H** Agricultural until annexed. Commercial development when municipal services become available (approximately 63 acres).
- I AREA I** Mixed commercial and light industrial development transitioning to mixed residential development as municipal services become available (approximately 883 acres).
- J AREA J** There will be residential development with limited commercial development adjacent to the interchange planned at CSAH 15 (approximately 983 acres).
- K AREA K** Agricultural uses changing to industrial as municipal services become available (approximately 559 acres).

NOTICE OF HEARING FOR PROPOSED REZONING

Notice is hereby given that the Willmar Planning Commission will meet at the Willmar City Office Building (Conference Room #1, main floor), 333 6th St. SW, Willmar, Minnesota, at 7:01 p.m. on Wednesday, August 21, 2019, to consider a change in zoning from Ag (Agriculture) to GB (General Business) allowing an office/storage use on property described as follows: All that portion of the West Half of the Northwest Quarter of the Northeast Quarter of Section 12, Township 119 North, Range 35 West of the Fifth Principal Meridian, Kandiyohi County Minnesota lying Northwesterly of a line drawn parallel with and distant 50 feet Northwesterly of, as measured at right angles to, Burlington Northern Railroad Company's (formerly Great Northern Railway Company's) Main Track centerline, as now located and constructed upon over and across said West Half of the Northwest Quarter of the Northeast Quarter.

All property owners or residents living in the vicinity of the above-described property are hereby notified of the public hearing and that they may appear in person or be represented by counsel to be heard on this matter. The Planning Commission meeting agenda and packet can be found on the Calendar on the home page of the City's website (www.willmarmn.gov).

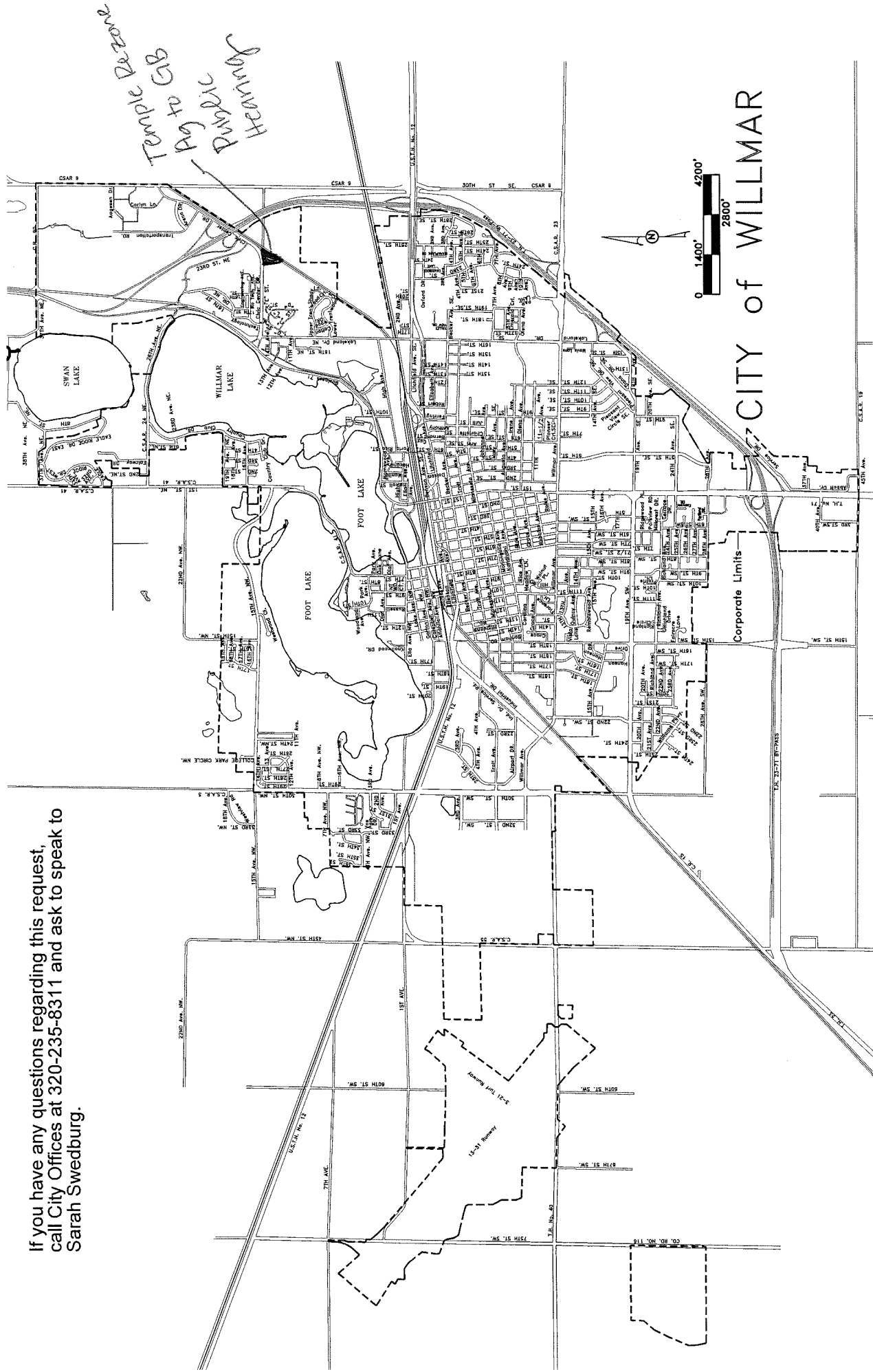
August 10, 2019
Date

Sarah J. Swedburg
Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Abby al 235-0850 ext. 1100, de Heartland Community Action Agency.

Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

If you have any questions regarding this request,
call City Offices at 320-235-8311 and ask to speak to
Sarah Swedburg.

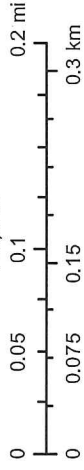


"Golden Triangle"



April 12, 2019

1:5,943



**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, APRIL 17, 2019**

MINUTES

1. The Willmar Planning Commission met on Wednesday, April 17, 2019, at 7:00 p.m. at the Willmar City Offices Conference Room #1.

Members Present: Rolf Standfuss, Jeff Kimpling, Dr. Jerry Kjergaard, Terry Sieck, Cletus Frank, Jonathan Marchand, and Christina Nelson.

Members Absent: Steve Gardner

Others Present: Sarah Swedburg – Planner, Doug Fenster, and Steve Peppin

2. MINUTES: Minutes of the February 20, 2019 meeting were approved as presented.
3. GOLDEN TRIANGLE: Staff presented and reviewed the 2018 Planning Commission discussion. Staff explained that we haven't seen the adjacent 60 acre parcel developed due to the large expense to bring utilities to that area. Doug Fenster was present to discuss the history of the area and the numerous impractical issues standing in the way of development in this area. The environmental contamination on this site is about 110'x80'. He explained that the foliage on the site is generally a good sign regarding the environmental contamination. The existing zoning is Ag.

Terry Sieck reviewed the environmental impacts and challenges that may arise should contamination be found. He stated that the commission discussed the vision of residential use in this area. With the relatively large and growing amount of employment in this area, would it be worth considering a more commercial use in the northern area of town? Due to the high expense of upgrading the rail spur in this area, Mr. Fenster sees little appetite in a large commercial development on the East ½ of the current crop land. The committee discussed at length the possible uses for that property and the long term vision of this area.

4. TATTOO PARLOR USE: Staff informed the commission that currently tattoo parlors are only allowed in the Central Business District and the Shopping Center District. There is a request for a tattoo parlor use in a General Business Zone along Highway 12. The Commission discussed allowing their desire for this use to be permitted outright in the General Business District, similar to a Hair Salon or other appointment-based use already allowed in this district. Staff recommends setting a public hearing for the next meeting scheduled for May 8th to make the text amendment.
5. MISCELLANY:
Staff informed the Committee that the new Planning and Development Services Director has started and the commission is encourage to stop in the office to meet him.

4. MINNWEST TECHNOLOGY CAMPUS/EXCEL BUSINESS ADVISORS PLAN REVIEW – FILE NO. 18-02: Staff presented a plan review request on behalf of The MinnWest Technology Campus to allow the use of office space by Excel Business Advisors on campus property described as follows: Unit 5, MinnWest Technology Campus, CIC #40 A Planned Community (1700 Technology Dr. NE).

The Planning Commission reviewed and discussed staff comments (see Attachment A).

The Planning Commission reviewed and made affirmative findings of fact as per Zoning Ordinance Section 9.E.3.a.1-7.

Mr. Marchand made a motion, seconded by Mr. Sieck, to approve the plan review with the following condition:

- A. The use shall meet all applicable local, state, and federal rules and regulations at all times.

The motion carried.

5. MISC. GOLDEN TRIANGLE DISCUSSION: Staff recently received an inquiry about the potential of building a dry/cold storage facility on land described as follows: All that portion of the W1/2 of NW1/4 of NE ¼ lying nw'ly of a line drawn parallel with & distant 50' nw'ly of BNRR main track ctrline as now located & constructed upon, over & across SD W1/2 NW1/4 NE1/4. The land is currently zoned Agriculture, and a text amendment would be needed to allow dry/cold storage for purposes other than agriculture.

There is known contamination on the site, and the Commission discussed the environmental responsibility a new owner would have if acquiring this land. Staff expressed that future use of the surrounding land would likely be residential. Access to land east of the parcel is limited, but the rail line has the potential to become an expansion of the trail.

The Planning Commission and staff came to the consensus that dry/cold storage does not fit with the intended future use of the land and no conditional use permit or text amendment would be allowed to reflect such.

6. SUBDIVISION ORDINANCE DISCUSSION: As per Project A in the Comprehensive Plan, staff is continuing work to rewrite the Subdivision Ordinance. The Planning Commission was supportive of making this necessary update. Staff presented for consideration three main additions: minor subdivisions, park dedication, and sidewalk/trail requirements. The Subdivision Ordinance is currently under review with the Engineering Department regarding design standards and required materials. Staff will continue to move forward with revisions on the draft ordinance.
7. There being no further business to come before the Commission the meeting adjourned at 8:03 p.m.

SECTION 3: GENERAL PROVISIONS

A. SEWER AND WATER.

1. General. City sanitary sewer and water facilities shall be utilized whenever such facilities are available or can be made available by extensions which prove to be both feasible, economical, and in the best interests of the City. Where public facilities are unavailable, a proper system of sewage treatment, disposal, and water supply conforming to the standards and requirements of the City Engineer, Minnesota Pollution Control Agency, and the Minnesota State Department of Health shall be employed.
2. Compliance. Site plans shall show the proposed sewage disposal system and well location. A Certificate of Compliance shall not be granted until on-site sewage treatment and disposal facilities are installed and functioning properly as approved by the Zoning Administrator. Residential lot areas shall be a minimum of one acre when private sewer or water systems are utilized.

B. LOTS.

1. Buildings. Except for R-1 and R-2 Districts, more than one (1) principal building may be permitted on a single lot if area, setback, and density requirements are met.
2. Minimum Size. Every lot created after the effective date of this Ordinance shall meet the lot size requirements of the zoning district in which it is located.
3. Lots of Record. Lots of record in R-1, R-2, and R-3 Districts not meeting district area requirements shall be issued a building permit provided:
 - a. The proposed dwelling structure is single family.
 - b. Lot area and width are at least seventy (70) percent and sixty (60) percent of district requirements for area and width.
 - c. Parking and setback requirements are met.

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DECLARATION OF RESTRICTIONS AND COVENANTS

THIS DECLARATION is made this 9 day of August, 2004, by
Kandiyohi Power Cooperative.

WITNESSETH:

WHEREAS, Kandiyohi Power Cooperative is the fee owner of certain real property located in Kandiyohi County, Minnesota, as described herein (the "Property"); and

WHEREAS, a portion of the Property was the site of release(s) of certain hazardous substances or pollutants and contaminants; and

WHEREAS, a pole treatment facility was previously located on the Property. Treatment of poles, which included utilization of a petroleum / pentachlorophenol mixture, occurred in a dip tank. As a result of soil and groundwater impacts detected near the tank, the tank was removed and soil was excavated from the tank area on June 9, 1997. Additional soil surrounding the excavation was mixed and seeded with a grass-seed mixture. Soil northwest of the former tank was planted with trees to influence groundwater flow and quality. Soil and groundwater sampling conducted at the site through 2001 indicates improved soil and groundwater quality, however, soil and groundwater impacts still exist on the property. Analytical data suggests that soil and groundwater impacts at the site are delineated, and that natural attenuation of remaining impacts is occurring.

WHEREAS, residual soil impacts consisting of diesel range organics (DRO) and pentachlorophenol (PCP) exist (Exhibit 2) at and adjacent to sampling quadrant Q-1, and residual groundwater impacts consisting of DRO and PCP exist (Exhibit 2) near monitoring wells MW-1, MW-2, and MW-5; and

WHEREAS, under the Agreement, Kandiyohi Power Cooperative has agreed and is willing to place a Restrictive Covenant on portions of certain parcels of the Property that it owns and which are hereinafter described.

NOW, THEREFORE, Kandiyohi Power Cooperative or Property Owner makes the following declarations as to limitations, restrictions and uses to which the subject property may be put, and specifies that such declarations shall constitute covenants to run with the land as provided by law and shall be binding on all parties and all persons claiming under them:

1. Property.

(a) As used herein, "Property" shall be the real property owned by Kandiyohi Power Cooperative or Property Owner located in Kandiyohi County, Minnesota, shown on Exhibit 1 hereto and legally described as follows:

Section 12, Township 119, Range 35, All that portion of the West ½ of the NW ¼ of NE ¼ lying Northwesterly of a line drawn parallel with and distant 50 feet northwesterly of the Burlington Northern Railroad main track centerline as now located and constructed upon, over and across said west ½ of NW ¼ of NE1/4. All in Kandiyohi County. 3.40 Acres

(b) As used herein "Restricted Area" means those areas of the property made a part thereof by reference as follows:

SOIL: Commencing at a point 60 feet east and 40 feet south from the northwest corner of the NE ¼ of Section 12, Township 119, Range 35; thence due east 110 feet; thence due south 80 feet; thence due west 110 feet; thence due north 110 feet, being the point of commencement.

GROUNDWATER: The entire property

2. Use Restrictions.

Subject to the terms and conditions of this Declaration and the reservations and covenants contained herein, Kandiyohi Power Cooperative or Property Owner hereby declares and imposes the following restrictions ("Restrictions") on those areas of the Property depicted

and identified on the General Site Plan attached hereto as Exhibit 2 (Restricted Area) and made a part hereof by reference, as follows:

Soil shall not be excavated from the soil Restricted Area and groundwater shall not be extracted from the property including the construction of wells for potable use without the prior written approval of the Commissioner of the Minnesota Department of Agriculture (MDA) or the Commissioner's successor(s).

The Commissioner's approval may include conditions which the Commissioner deems reasonable and necessary to protect public health or the environment and shall not be unreasonably withheld. The Restrictions do not apply, and no prior approval of the Commissioner shall be required, to activities on that portion of the Property outside of the Restricted Area(s), including maintenance or repair of existing buildings, structures, underground sewer, water, electrical or telephone services, or installation of fencing and signage, unless such activities result in or threaten to result in disturbance of or intrusion into soil or ground water within the Restricted Area(s).

Within 60 days after receipt of a written request for approval to engage in any activities subject to the Restrictions, the MDA shall respond, in writing, by approving such request, disapproving such request, or requiring that additional information be provided. Approval may include conditions considered reasonable and necessary to protect public health and the environment.

3. Maintenance Requirements.

A vegetative ground cover shall be maintained over the soil Restricted Area. The vegetative cover should limit surface runoff, soil erosion, and exposure to underlying soil.

4. Covenants.

Kandiyohi Power Cooperative hereby covenants that the Property shall not be held, transferred, sold, conveyed, occupied, altered, or used in violation of the Restrictions set forth in Section 2 of this Declaration.

5. Reservations.

Nothing contained in this Declaration shall in anyway prohibit, restrict or limit Kandiyohi Power Cooperative, its successors or assign, from fully conveying, transferring, occupying or using the Property for all purposes not inconsistent with the Restrictions and Maintenance Requirements.

6. Duration; Amendment.

This Declaration and the covenants, grants and Restrictions herein continue until terminated, modified released and/or amended with the written consent of the Commissioner or the Commissioner's successor(s), such consent not to be unreasonably withheld. Notwithstanding the foregoing, this Declaration and the covenants, grants and Restrictions set forth herein may be terminated, modified, released and/or amended upon the occurrence and satisfaction of the following conditions:

(a) Soil and ground water sampling is conducted on the Restricted Area(s) of the Property with prior written notice to and in accordance with a plan submitted to and approved by the MDA, such approval not to be unreasonably withheld; and

(b) Based on such samples the MDA certifies that the soil and ground water located within the Restricted Area(s) no longer pose a potential threat to human health or the environment and that disturbance of such soil and ground water will not hinder the biodegradation of any remaining contamination.

This Declaration and the covenants, grants and Restrictions may be modified and/or amended if MDA finds that the conditions set forth in Section 2 of this Declaration are

inadequate to achieve or maintain an acceptable risk to human health and the environment as set forth in the decision document.

In the event of a termination, modification, release and/or amendment of this Declaration, the Commissioner, within 60 days after receipt of written request from the owner of the Property, shall execute an instrument in recordable form, terminating, release, modifying and/or amending this Declaration.

7. Grant and Conveyance to MDA: Right of Entry.

Subject to the terms and conditions of this Declaration, Kandiyohi Power Cooperative grants and conveys to the MDA and its successors such rights and interest in the Property necessary and convenient to enforce the Restrictions set forth in section 2 of this Declaration, including the right, upon reasonable notice to the then-current owner and at reasonable times, to enter from time to time upon the Property to inspect the Restricted Area(s) and verify compliance with the Restrictions and to monitor and remediate if necessary. The Restrictions declared and the rights and interest granted under this Declaration of Restrictions shall run with the Property and bind Kandiyohi Power Cooperative, its successors or assigns, all present or future owners of the Property, and all parties who now or hereafter have or hold any right, title or interest in or to the Property. Where this Declaration of Restrictions authorizes or requires an action by the MDA or its successors, the action is effective if taken by the MDA Commissioner or the Commissioner's successor(s).

8. Emergency Procedures.

Kandiyohi Power Cooperative covenants that the procedures set forth below shall be followed when an emergency requires immediate excavation of contaminated soil to repair utility lines or other infrastructure on the site, or to respond to other types of emergencies (e.g. fires, floods) that may result in an unacceptable risk of harm from exposure:

(a) Notify the MDA within 24 hours of obtaining knowledge of such emergency conditions;

(b) Limit disturbance of contaminated media to the minimum reasonably necessary to adequately respond to the emergency;

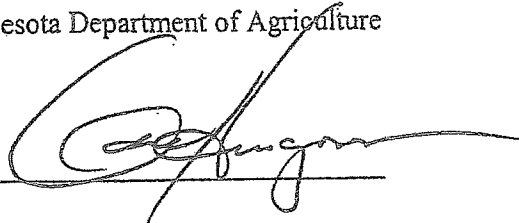
(c) Undertake precautions to minimize exposure to workers and neighbors of the site to contaminated media (e.g., provide appropriate types of protective clothing for workers conducting the excavation, and establish procedures for minimizing the liberation of contaminated dust); and

(d) Prepare and implement a plan to restore the site to a level of acceptable risk. Submit to the MDA a copy of such a plan for review and approval prior to implementation of the plan. Submit a follow-up report after the plan is implemented so that the MDA can determine whether a level of acceptable risk has been restored.

9. Disclosures.

The Restrictions set forth in Section 2 and Section 3 of this Declaration shall be incorporated in full or by reference into all instruments conveying an interest in and/or a right to use the property (e.g., easements, mortgages, leases).

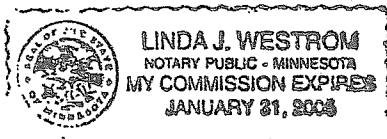
Accepted on behalf of
Minnesota Department of Agriculture

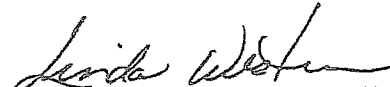
By 
Gene Hugoson
Commissioner

State Of Minnesota

County of Kandiyohi

The foregoing instrument was acknowledged before me this 24th day of August, 2007,
by Gene Hugoson, the Commissioner of Minnesota Department of Agriculture, a Minnesota
body politic, on behalf of the State of Minnesota.




Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Blaine R. Schroyer, P.E. and Jason B. Lowery
Terracon
2277 W. Spencer Street
Appleton, WI 54914

[name and address of who drafted this document]

In Witness Whereof, this instrument has been executed on the day and year first above written.

KANDIYOHI POWER COOPERATIVE

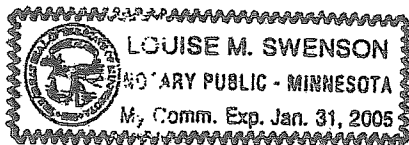
By David J. George

DAVID J. GEORGE, CEO
[NAME]
CHIEF EXECUTIVE OFFICER
[TITLE]

State of Minnesota

County of Kandiyohi

The foregoing instrument was acknowledged before me this 9 day of August
2004 by DAVID J. GEORGE, CEO [NAME], KANDIYOHI POWER COOPERATIVE
[TITLE and COMPANY], on behalf of the KANDIYOHI POWER COOPERATIVE
[COMPANY/ORGANIZATION NAME].



Louise M. Swenson
Notary Public

✓
V15339#15
OFFICE OF COUNTY RECORDER
KANDIYOHI COUNTY MINNESOTA
CERTIFIED TO BE FILED
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W 1/2 NW 1/4 NE 1/4

LN SEP 17 1991
TIME 10:20 AM PM 12:19:35

JULIE GRADLEY
COUNTY RECORDER

BY Kari Kiani DEPUTY

BTL

QUITCLAIM DEED

BURLINGTON NORTHERN RAILROAD COMPANY (formerly named Burlington Northern Inc.), a Delaware corporation, Grantor, for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, conveys and quitclaims, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, to KANDIYOHI COOPERATIVE ELECTRIC POWER ASSOCIATION, of 1311 Hwy 71 N.E., Willmar, Minnesota, Grantee, all its right, title and interest, if any, in and to that certain parcel of land located in the County of Kandiyohi, State of Minnesota, being more particularly described as follows:

1220 All that portion of the W $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 12, Township 119 North, Range 35 West of the 5th Principal Meridian, Kandiyohi County, Minnesota lying Northwesterly of a line drawn parallel with and distant 50.0 feet Northwesterly of, as measured at right angles to, Burlington Northern Railroad Company's (formerly Great Northern Railway Company's) Main Track centerline, as now located and constructed upon, over, and across said W $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{4}$.

SUBJECT, however, to all existing interests, including but not limited to all reservations, rights-of-way and easements of record or otherwise.

If the premises are locally assessed, the Grantee, and for its successors and assigns, by acceptance of this deed, agrees to assume all locally assessed real estate taxes, outstanding and otherwise, and any and all past, present, pending and future assessments of every nature whatsoever, which have been or may be levied against the premises.

ALSO, the Grantee, and for its successors and assigns, by acceptance of this deed, hereby releases and forever discharges the Grantor, its successors and assigns, from any and all present or future obligations of the Grantor, its successors and assigns, including but not limited to the construction of or continued maintenance thereto of any railroad fences, snow fences, road crossings, cattle guards, gates, farm crossings, bridges, drainage or irrigation pipes, if any, located and situate on the premises herein conveyed.

TO HAVE AND TO HOLD the same unto the said Grantee, its successors and assigns, forever.

MICROFILM 361716

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be signed by its Assistant Director - Title Services, attested by its Assistant Secretary, and its corporate seal to be affixed on the 6th day of SEPTEMBER, 1991.

ACCEPTED:

BURLINGTON NORTHERN
RAILROAD COMPANY

KANDIYOHI COOPERATIVE
ELECTRIC POWER ASSOCIATION

By Lowell Hultgren
Title President

BY D. P. Schneider
D. P. Schneider
Assist. Director - Title Services

By Ellsworth Hattestad
Title Secretary/Treasurer

ATTEST:

BY Anita D. Wells
Anita D. Wells
Assistant Secretary

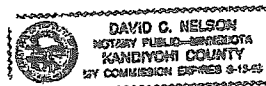
STATE OF MINNESOTA)
COUNTY OF KANDIYOHI) ss.

The foregoing instrument was acknowledged before me this 19th day of August, 1991, by Lowell Hultgren and Ellsworth Hattestad, the President and Secretary/Treasurer of KANDIYOHI COOPERATIVE ELECTRIC POWER ASSOCIATION, a corporation under the laws of Minnesota, on behalf of the corporation.

David C. Nelson
Notary Public

My commission expires: 9-13-96

BN 10054 Willmar, MN



MICROFILM 361716

STATE OF WASHINGTON)
)ss.
COUNTY OF KING)

The foregoing instrument was acknowledged before me this 10th day of SEPTEMBER, 1991, by D. P. Schneider, Assistant Director - Title Services and Anita D. Wells, Assistant Secretary of Burlington Northern Railroad Company, a Delaware corporation, on behalf of the corporation.

R. E. WILHELM

Notary Public

My commission expires: January 9, 1993

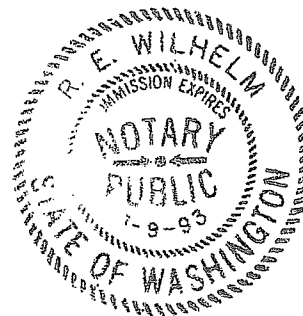
This instrument was drafted by:
Burlington Northern Railroad Company
Title Services Department
2100 First Interstate Center
999 Third Avenue
Seattle, Washington 98104

State deed tax due hereon \$ 52.80

Tax statements for the real property described in this instrument should be sent to:

Kandiyohi Cooperative Electric
Power Association
1311 Hwy 71 N.E.
Willmar, Minnesota

DATE September 17, 1991
DEED TAX HEREON OF \$ 52.80 PAID
TREASURER'S RECEIPT NO. 9600
Jillie L. Sniker
County Treasurer



Pursuant to Minnesota Statutes Chapter 103I, the grantor certifies that the grantor does not know of any wells on the described real property.

BN 10054 Willmar, MN

MICROFILM 361716

No delinquent taxes and transfer entered: Certificate of Real Estate Value (☒) filed () not required
Certificate of Real Estate Value No. 23332
September 17, 1991
Ann T. Haggard
County Auditor
by Veteran Anderson
Deputy

COPY



March 22, 2005

Phone No.: (651) 297-4872

Fax No.: (651) 297-2271

E-mail: Paul.Liemandt@state.mn.us

David Nelson
Kandiyohi Co-op Electric Power Assn.
1311 Hwy. 71 N.E.
Willmar, Minnesota 56201

**SUBJECT: MDA APPROVAL OF AGRICULTURAL CHEMICAL INCIDENT REMEDIAL
INVESTIGATION AND SITE REMEDIATION -- NO FURTHER ACTION REQUIRED
&
MDA APPROVAL AND ACCEPTANCE OF RECORDED ENVIRONMENTAL
RESTRICTIVE COVENANT**

**RE: SITE NAME: KANDIYOHI CO-OP ELECTRIC POWER ASSN., WILLMAR, KANDIYOHI COUNTY
MDA CASE FILE NO.: 91-0792**

Dear Mr. Nelson:

The Minnesota Department of Agriculture (MDA) Incident Response Unit staff has completed a review of the above case file and approves the actions taken, thus no further site investigation or clean-up action will be required of you at this time. However, conditions established in the recorded Covenant for this property will remain in effect, until cancelled or altered by MDA.

This conclusion is based solely on the information provided by you, your environmental consultant and contained in the MDA's Case File for this project.

The consultant proposed and the MDA approved two (2) different response actions. Thirty-six (36) cubic yards of soil from inside and around the north end of the dip tank was excavated and disposed of by incineration off site. The soil from inside the former dip tank was used for backfill following the removal and disposal of the tank. The soil in the area of the dip tank was then mixed and seeded with a vegetative cover in 1997 to enhance microbial activity to further breakdown the contaminants in the soil. In addition, trees were planted to the northwest of the soil excavation and mixing area to further remediate the soil and ground water.

Soil samples collected in October 2001 documented that concentrations of contaminants had decreased significantly from their 1999 levels.

Ground water sampling in October 2001 documented that concentrations of contaminants were below cleanup goals in monitoring wells MW-1, MW-3 and MW-5. Concentrations in MW-2 were still above the cleanup goal for DRO, but did indicate that concentrations were naturally attenuating.

The corrective actions for the Site addressed the source of the contamination by remediation of the soil containing elevated levels of pesticides.

Soil contamination remains on site but is being naturally attenuated which should continue to lower the concentrations in the soil.

Ground water contamination remains in the plume that extends northwesterly of the excavation area, but concentrations have decreased in even the furthest downgradient monitoring well, MW-5.

David Nelson
March 22, 2005
Page 2 of 2

No further response actions will be required at this site other than the implementation of Institutional Controls established through the attached Environmental Restrictive Covenant (Covenant) that will limit use of the site, limit access to ground water and require the maintenance of a vegetative ground cover. The Covenant will remain in effect until terminated by the MDA.

By implementation of the Institutional Controls established in the Covenant, there will be no risk to human health or the environment.

The presence of agricultural chemicals in the soil as reported in site documents will be considered the "Identified Release" for the purpose of this letter.

Based on the review of Site documents, the MDA concurs with your consultant's recommendation of no further assessment or corrective action. Therefore, the MDA is hereby issuing a determination to take no further action under Minn. Stat. 18D (2002) and 115B (2002) against Kandiyohi Cooperative Electric Power Association (Kandiyohi Co-op) - Willmar and successive owners of the property with respect to the Identified Release on the Site.

The assurances in this letter are subject to the disclaimers in Attachment A and the conditions established in the Covenant between the MDA and Kandiyohi Co-op. In addition, please be advised that this No Action determination is from the MDA Incident Response Unit Program and has no bearing on other MDA programs that may have regulatory involvement with this facility. If other concerns exist, these programs will contact you directly.

The Agricultural Chemical Response and Reimbursement Account (ACRRA), authorized by Minnesota Statutes Chapter 18E, is a fund which may provide partial reimbursement for your agricultural chemical incident corrective action costs. Questions concerning eligibility for reimbursement from the ACRRA account should be directed to Sharon Huber, ACRRA Administrator, at (651) 297-3490.

Thank you for your efforts and cooperation in responding to this agricultural chemical incident. If you have any questions on this project, please contact me at (651) 297-4872, or MDA project manager for this project, Robert Anderson at (651) 297-5731.

Sincerely,



Paul M. Liemandt, Manager
Environmental Response and Enforcement Section
Agronomy and Plant Protection Division

PML:RWA:jlh

Enclosures

cc: Blaine Schroyer, Terracon
Kristine Tschida, Terracon
Robert Anderson, MDA
Michele Puchalski, MDA
Kent Runkel, MDA-ACI
Sharon Huber, ACRRA

**ATTACHMENT A
DISCLAIMERS
KANDIYOHI CO-OP ELECTRIC POWER ASSN, WILLMAR, KANDIYOHI COUNTY**

1. Reservation of Authorities

The MDA Commissioner reserves the authority to take any appropriate actions with respect to any release, threatened release, or other conditions at the Site. The MDA Commissioner also reserves the authority to take such actions if the responsible party does not proceed in the manner described in this letter or if actions taken or omitted by the responsible party with respect to the Site contribute to any release or threatened release, or create an imminent and substantial danger to public health and welfare or the environment.

2. No MDA Assumption of Liability

The MDA, its Commissioner and staff do not assume any liability for any release, threatened release or other conditions at the Site or for any actions taken or omitted by the responsible party with regard to the release, threatened release, or other conditions at the Site, whether the actions taken or omitted are in accordance with this letter or otherwise. The responsible party is responsible for ensuring that the approved corrective action complies with all applicable building, electrical and fire codes and Health Department rules, and that all necessary state and local approvals are obtained.

3. Letter Based on Current Information

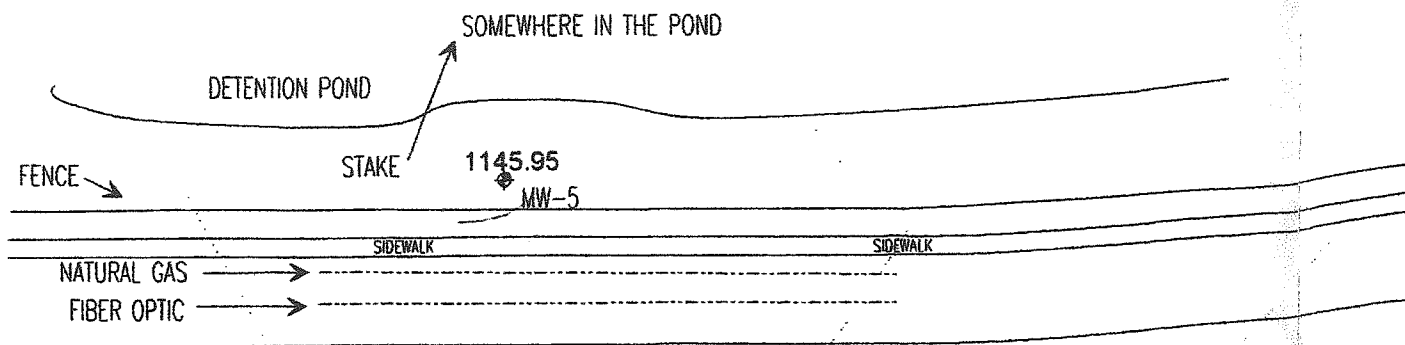
All statements, conclusions and representations in this letter are based upon information known to the MDA Commissioner and staff at the time this letter was issued. The MDA Commissioner and staff reserve the authority to modify or rescind any such statement, conclusion or representation and to take any appropriate action under his authority if the MDA Commissioner or staff acquires information after issuance of this letter that provides a basis for such modification or action.

4. Disclaimer Regarding Non-Agricultural Contamination

Approval of this investigation is based on its environmental merits for addressing the agricultural chemical contamination only. This letter does not apply to other types of contamination that may be present on the subject property.

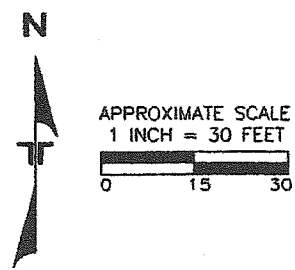
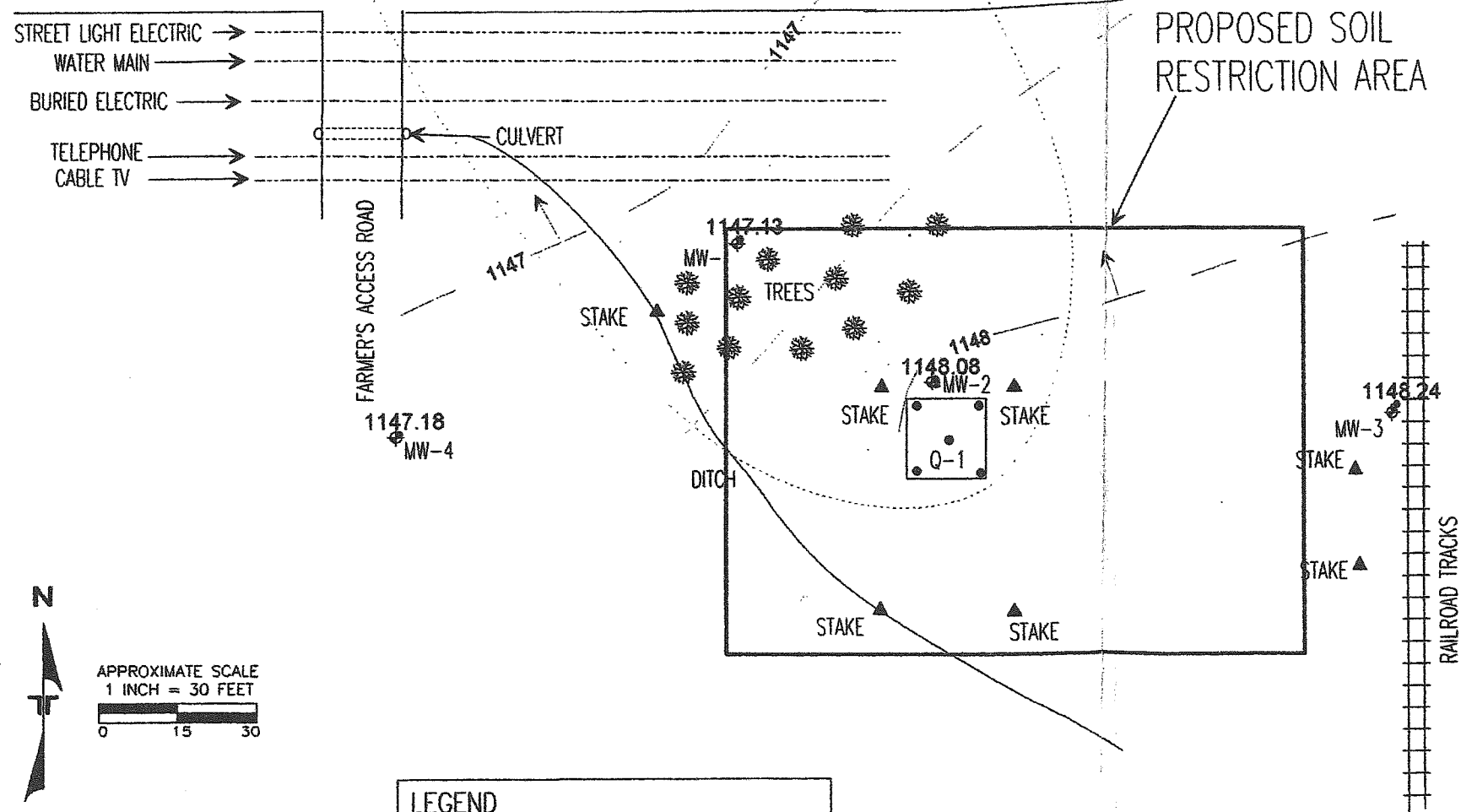
5. Disclaimer Regarding Use or Development of the Property

The MDA, its Commissioner and staff do not warrant that the Site is suitable or appropriate for any particular use.



NOTE: THE GROUND WATER CONTOURS AND PLUME ILLUSTRATED ARE BASED ON INTERPOLATION AND EXTRAPOLATION OF GROUND WATER ELEVATION AND ANALYTICAL DATA OBTAINED ON THE DATE INDICATED. ACTUAL CONDITIONS MAY VARY.

ESTIMATED EXTENT OF THE GROUNDWATER PLUME EXCEEDING CLEANUP GOALS



- LEGEND**
- ⊕ MONITORING WELL LOCATION
 - ▲ STAKE LOCATION
 - SOIL SAMPLE LOCATION

EXHIBIT 2
 PROPOSED SOIL RESTRICTIION AREA AND
 GROUNDWATER PLUME
 [OCTOBER 23 , 2001]
 KANDIYOHI POWER COOPERATIVE
 WILLMAR, MINNESOTA
 TERRACON PROJECT NO. 41925028
 OCTOBER 2003



60' 40' Dr NE

60'

40'

110'

LIPPING
TANKS

80'

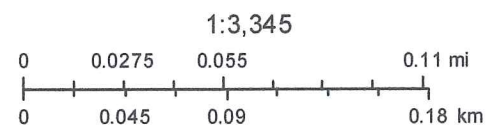
Kardiyon
County

54-12

Kandi Coop Site



August 21, 2019



Design #: 310350665512

Store: WILLMAR



Peak Frame Building Estimate

Date: Aug 21, 2019 4:40:52 PM

3D EXTERIOR VIEW

